

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S FENCING MATERIALS REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, the City of Killeen has declared the application and enforcement of the City's zoning regulations to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

WHEREAS, the City Council desires to amend its regulations pertaining to fencing materials; and,

WHEREAS, the City Council finds that such amendments are necessary to protect the public health, safety, and welfare of the public; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City of Killeen on the 6th day of May, 2024 at 5:00 p.m.; and,

WHEREAS, a public hearing was held by the City Council of the City of Killeen on the 11th day of June, 2024 at 5:00 p.m.; and,

WHEREAS, due notice of all public hearings was provided as required by law;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That Chapter 31 of the City of Killeen Code of Ordinances is hereby amended as follows:

Sec. 31-855. ~~Security or barbed-wire fences.~~Reserved.

~~Barbed-wire, fencing topped with broken glass, concertina wire, sharp objects, or electric fencing shall not be allowed in residential, "B-DC," "HOD," or "B-1" zoning districts.~~

Sec. 31-858. Fencing materials.

- (a) Materials not originally intended for use in constructing a fence are prohibited as fencing and screening materials. Examples of prohibited materials include plywood, particleboard, corrugated metal, railroad ties, tires, door panels, and other makeshift materials. R-Panel and U-Panel metal fences are permitted provided they are coated and capped at the top.
- (b) Used or salvaged fencing materials including materials that are weathered, ~~{worn}~~, rusted, corroded, or otherwise deteriorated shall be prohibited.
- (c) Chain-link fencing (including posts) for uses other than single-family or two-family dwellings shall be black or green vinyl coated. For all uses other than agricultural, single-family, two-family, and manufacturing uses zoned "M-1" (Manufacturing District) or "M-2" (Heavy Manufacturing District), chain-link fences shall be black or green vinyl coated. Associated fence posts and hardware shall be painted to match the vinyl coated chain-link.
- (d) Except in the "A" (Agricultural) district and for agricultural uses in any district and to repair existing barbed wire fencing, barbed wire fencing is prohibited in residential districts. Barbed wire and electric fencing shall be prohibited in all districts except "A" (Agricultural District), and "A-R1" (Agricultural Single-Family District) or for existing agricultural uses in any district.
- (e) Security fencing may be permitted in "M-1" (Manufacturing District), "M-2" (Heavy Manufacturing District) and for utility facilities, such as electric substations, water and sewer pumping stations, communication facilities, and other similar uses. Such security fencing may include barbed wire, razor wire, concertina wire, or other similar types of fencing, provided that such material is not located less than six (6) feet off the ground. Fencing topped with broken glass shall be prohibited in all districts.
- (f) Temporary construction fences may be approved by the Building Official or designee in conjunction with an active building permit. Such fencing shall be completely removed at the expiration of such permit or with the conclusion of construction, whichever occurs first. In no case will a certificate of occupancy be issued for a property with a temporary construction fence. Temporary construction fencing must be approved as part of a building permit and shall be removed upon expiration of the associated permit. Such fencing may be uncoated chain link and shall have a mesh or fabric screen. Temporary signage on a temporary construction fence is permitted but shall not exceed two (2) square feet per linear foot of fence.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 11th day of June, 2024, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Debbie Nash-King, MAYOR

ATTEST:

APPROVED AS TO FORM:

Laura J. Calcote, CITY SECRETARY

Holli C. Clements, CITY ATTORNEY